



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6358 of 2022

and W.M.P. (MD) .Nos.4960 & 4961 of 2022

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S.Selvaraj

.. Petitioner

Vs

1.The Inspector of Panchayats-cum-
the District Collector,
Thoothukudi District,
Thoothukudi.

2.The Assistant Project Officer,
(Infrastructure - I),
District Rural Development Agency,
Thoothukudi.

3.The Assistant Director (Audit),
Rural Development,
Thoothukudi.

4.The Block Development Officer (Village Panchayat),
Vilathikulam,
Thoothukudi District.

5.The Tahsildar,
Vilathikulam Taluk,
Vilathikulam,
Thoothukudi District.

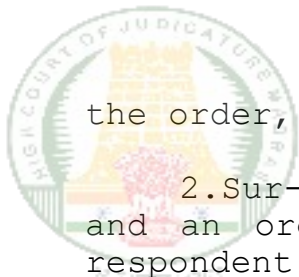
.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the Impugned Order passed by the 1st respondent made in A6/1218/2017, dated 25.05.2021 and A6/1218/2017, dated 01.11.2021 and that of the order of the 3rd Respondent made in Na.Ka.A6/1218/2017, dated 07.09.2020 and to quash the same as illegal.

For Petitioner	: Mr.R.Jeyaprakash for Mr.G.Thalaimutharasu
For Respondents	: Mr.B.Saravanan for R1 to R3 Additional Government Pleader Mr.N.Satheesh Kumar for R4 Additional Government Pleader

ORDER

This writ petition has been filed challenging the orders, dated 25.05.2021 and 01.11.2011, passed by the first respondent confirming
<https://hcservices.ecourts.gov.in/hcservices/>



the order, dated 07.09.2020, passed by the third respondent.

2.Sur-charge proceeding were initiated against the petitioner and an order, dated 07.09.2020, came to be passed by the third respondent against the petitioner under sur-charge certificate for a sum of Rs.5,25,000/- (Rupees Five Lakhs and Twenty Five Thousand) was issued against the petitioner. Aggrieved by the same, the petitioner preferred the statutory appeal before the first respondent. The first respondent passed an order, dated 25.05.2021 and another order, dated 01.11.2021, modifying the earlier order, dated 07.09.2020, passed by the third respondent by reducing the sum payable by the petitioner from Rs.5,25,000/- (Rupees Five Lakhs and Twenty Five Thousand only) to Rs.4,20,912/- (Rupees Four Lakhs Twenty Thousand Nine Hundred and Twelve only). Aggrieved by the same, this writ petition has been filed.

3.Heard Mr.R.Jeyaprakash, learned counsel appearing for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.N.Satheesh Kumar, learned Additional Government Pleader, who accepts notice on behalf of the fourth respondent.

4.At the outset, the learned counsel for the petitioner would submit that though he has filed this writ petition, challenging the impugned orders, the petitioner will be satisfied if he is allowed to file the statutory appeal before the Government as per the provisions of Rule 5(2) of the Tamilnadu Panchayat (Sur-charge) Rules, 2000. Since the statutory appeal has to be filed within a period of 30 days from the date of receipt of a copy of the impugned order, the time has lapsed now and in such circumstances, the learned counsel for the petitioner seeks a direction from this Court to permit the petitioner to file the statutory appeal before the Government, even though the 30 days period stipulated under Rule 5 (2) of the Tamilnadu Panchayat (Sur-charge) Rules, 2000, has already lapsed. The reason for not filing the statutory appeal within the prescribed time is that the petitioner is suffering from medical ailment. The reason given by the petitioner for not filing the statutory appeal is reasonable and has to be accepted by this Court.

5.No prejudice will be caused to the respondents, if the petitioner's statutory appeal is taken on file by the Government.

6.For the foregoing reasons, this writ petition is disposed of by permitting the petitioner to file the statutory appeal as per the provisions of Rule 5(2) of the Tamilnadu Panchayat (Sur-charge) Rules, 2000, before the Government as against the impugned order passed by the first respondent, dated 25.05.2021 and 01.11.2021. The petitioner shall file the statutory appeal within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the Government shall take the appeal on file and pass final orders on merits and in accordance with law. There



shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III))

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Inspector of Panchayats-cum-The District Collector, Thoothukudi District, Thoothukudi.
- 2.The Assistant Project Officer, (Infrastructure - I), District Rural Development Agency, Thoothukudi.
- 3.The Assistant Director (Audit), Rural Development, Thoothukudi.
- 4.The Block Development Officer (Village Panchayat), Vilathikulam, Thoothukudi District.
- 5.The Tahsildar, Vilathikulam Taluk, Vilathikulam, Thoothukudi District.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-17406[F] dated 08/04/2022)

+1 CC to M/s.SPL.GP (SR-17169[F] dated 07/04/2022)

W.P.(MD)No.6358 of 2022
06.04.2022

SS (CO)

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